



M.O.E. Policy Manual

POLICY TITLE PROCEDURES DURING LABOUR DISPUTES AFFECTING
POLLUTION ABATEMENT

NO.
05-04-01

Legislative Authority

the Environmental Protection Act
the Ontario Water Resources Act

Statement of Principles

This policy describes the policies and procedures to be followed by Ministry of Environment staff to avoid degradation of the environment when labour disputes interfere with municipal and industrial pollution abatement programs.

1. Municipal- Operation of Water and Sewage Facilities

1.1 MOE Assistance

The Ministry of the Environment will provide staff to assist municipalities in operating water and sewage treatment facilities during labour disputes only when qualified manpower is not available from other municipalities.

1.1.1 Application

This policy will apply only where there is reason to believe that service is falling below acceptable environmental standards.

Point of Contact

Operations Coordinator, Operations Division

Effective Date

October 21, 1981

1.1.2
Conditions for
MOE Assistance

MOE assistance to municipalities is subject to the following conditions:

- (a) the municipality shall provide staff to supervise the operation of the facilities in question;
- (b) the municipality shall make any arrangements necessary for police escort through picket lines;
- (c) the municipality will make suitable arrangements for the housing of Ministry staff at the facility itself or at some other location at some distance from the project;
- (d) Ministry assistance will be provided using management staff only;
- (e) Ministry staff provided shall be from locations of at least fifty miles away from the municipality.

1.1.3
Costs to
Municipalities

Municipalities shall bear the costs relating to MOE assistance as follows:

- (a) Ministry staff will be considered on duty and paid at their normal rate from the time they leave their residence until they arrive at the facility;
- (b) the municipality will bear all additional travel expenses;
- (c) Ministry staff will be paid at their normal salary for up to eight hours per day of duty time;
- (d) Ministry staff will be paid at one and one half times their normal salary for additional duty time over 8 hours in a 24 hour period or over 40 hours in a 7 day period;
- (e) Ministry staff will be paid at one and one-half times their normal salary plus 8 hours regular pay for any hours worked on a statutory holiday;

- (f) Ministry staff will be paid at 1/3 of the normal rate for hours on stand-by time during a 24-hour period with a minimum credit of 2 1/2 hours pay regardless of the number of hours worked;
- (g) if Ministry staff are required to live at the facility, all time spent inclusive of regular duty hours or overtime will be considered stand-by time;
- (h) if Ministry staff are required to be available at their normal work location or at alternate housing, such time will be considered stand-by time;
- (i) Ministry staff will not be granted vacation leave when they are providing service to municipalities.

1.2 Municipal Contingency Plans

To ensure satisfactory operation of facilities during labour disputes, municipalities should develop contingency plans which take into account assistance available from other municipalities.

2. Municipal - Construction of Water and Sewage Facilities

Where delay in construction of facilities due to labour disputes will prove critical to the environment, the Ministry will enforce its environmental legislation where the municipality has not taken all reasonable steps to expedite construction.

3. Industrial- Operation of Process and Pollution Abatement Facilities

3.1 Acceptable Emission Levels

When a company chooses to continue operations during a labour dispute, the Ministry will require the control of emissions at normal levels.

3.2 MOE Enforcement

Where a company chooses to continue operations, the Ministry shall do all things necessary, including the crossing of picket lines, to ensure compliance with environmental legislation.

4. Industrial -
Installation of
Abatement Facilities

4.1 Installation
Schedule

Installation of abatement facilities must proceed according to schedule unless the Regional Director is satisfied, on receipt of a report submitted by the company, that the company cannot reasonably overcome delay caused by the dispute.

4.2 Short-Term
Extensions

Where such delay is inevitable, the Ministry may extend schedules on a day-to-day basis or make such other reasonable extensions as circumstances indicate, including those to Control Orders and other enforcement measures.

4.2.1
"force majeure"

In keeping with 4.2. new or amended Control Orders and similar documents should include the following "force majeure" clause which is open for discussion at relevant public meetings:

"In the event of (the company) being rendered unable to perform or comply with any obligations herein because of:

- (a) Act of God.
- (b) Strikes, lockouts or other industrial disturbances.
- (c) Inability to obtain materials or equipment for reasons beyond the control of the company.

The obligation hereof as they are affected by (a), (b), or (c) above shall be adjusted in a manner acceptable to the Regional Director. To obtain such an agreement, (the company) must notify the Director immediately of any of the above occurrences providing details establishing that no "reasonable" alternatives are feasible to meet the compliance date in question".